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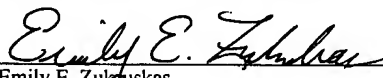
DOCKET NO.: C1037.70041US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 10/613,749  
Confirmation No.: 6452  
Filed: July 3, 2003  
For: NUCLEIC ACID COMPOSITIONS FOR STIMULATING IMMUNE RESPONSES  
Examiner: Nita M. Minnifield  
Art Unit: 1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 4<sup>th</sup> day of December, 2006.

  
Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$180 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:



Maria A. Trevisan, Reg. No.: 48,207  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C1037.70041US00  
Date: December 4, 2006  
xNDDx



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*Emily E. Zukauskas*  
Emily E. Zukauskas

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

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180.00 DP

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
10/532,746	09-09-2005	Ahluwalia et al.	*C1037.70035US01
11/179,008	07-08-2005	Hartmann et al.	*C1039.70044US02
11/411,975	04-26-2006	Uhlmann et al.	*C1041.70045US01
11/503,377	08-11-2006	Krieg et al.	*C1039.70061US01
11/503,483	08-11-2006	Krieg et al.	*C1039.70048US22
11/507,079	08-18-2006	Krieg et al.	*C1039.70035US04
11/526,197	09-22-2006	Krieg et al.	*C1039.70048US23
11/526,896	09-22-2006	Bratzler et al.	*C1037.70013US03
11/542,845	10-04-2006	Krieg et al.	*C1037.70048US01
11/543,314	10-04-2006	Lipford et al.	*C1041.70036US02
11/595,823	11-10-2006	Wagner et al.	*C1041.70035US01
11/598,207	11-10-2006	Krieg et al.	*C1039.70048US24

\*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

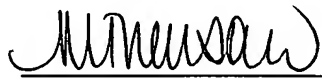
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:   
\_\_\_\_\_  
Maria A. Trevisan, Reg. No. 48,207  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

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FORM PTO-1449/A and B (modified PTO/SB/08)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		APPLICATION NO.: 10/613,749	ATTY. DOCKET NO.: C1037.70041US00
		FILING DATE: July 3, 2003	CONFIRMATION NO.: 6452
		APPLICANT: Krieg et al.	
		GROUP ART UNIT: 1645	EXAMINER: Nita M. Minnifield
Sheet	1	of	8

**U.S. PATENT DOCUMENTS**

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A61	6,030,955		Stein et al.	02-29-2000
	A62	6,221,882		Macfarlane	04-24-2001
	A63	6,339,630		Macfarlane	06-04-2002
	A64	6,406,705	B1	Davis et al.	06-18-2002
	A65	6,429,199	B1	Krieg et al.	08-06-2002
	A66	6,558,670	B1	Friede et al.	05-06-2003
	A67	6,610,661	B1	Carson et al.	08-26-2003
	A68	6,653,292	B1	Krieg et al.	11-25-2003
	A69	6,727,230	B1	Hutcherson et al.	04-27-2004
	A70	6,821,957	B1	Krieg et al.	11-23-2004
	A71	6,943,240		Bauer et al.	09-13-2005
	A72	6,949,520		Hartmann et al.	09-27-2005
	A73	7,001,890		Wagner et al.	02-26-2006
	A74	2002-0091097	A1	Bratzler et al.	07-11-2002
	A75	2002-0164341	A1	Davis et al.	11-07-2002
	A76	2003-0026801	A1	Weiner et al.	02-06-2003
	A77	2003-0050261	A1	Krieg et al.	03-13-2003
	A78	2003-0050268	A1	Krieg et al.	03-13-2003
	A79	2003-0091599	A1	Davis et al.	05-15-2003
	A80	2003-0100527	A1	Krieg et al.	05-29-2003
	A81	2003-0139364	A1	Krieg et al.	07-24-2003
	A82	2003-0148316	A1	Lipford et al.	08-07-2003
	A83	2003-0148976	A1	Krieg et al.	08-07-2003
	A84	2003-0181406	A1	Schetter et al.	09-25-2003
	A85	2003-0191079	A1	Krieg et al.	10-09-2003
	A86	2003-0212026	A1	Krieg et al.	11-13-2003
	A87	2003-0224010	A1	Davis et al.	12-04-2003
	A88	2003-0232074	A1	Lipford et al.	12-18-2003
	A89	2003-0232856	A1	Macfarlane	12-18-2003
	A90	2004-0009949	A1	Krieg	01-15-2004
	A91	2004-0030118	A1	Wagner et al.	02-12-2004
	A92	2004-0038922	A1	Haensler et al.	02-26-2004

EXAMINER:	DATE CONSIDERED:
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# EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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	A93	2004-0047869	A1	Garcon et al.	03-11-2004
	A94	2004-0067902	A9	Bratzler et al.	04-08-2004
	A95	2004-0067905	A1	Krieg	04-08-2004
	A96	2004-0087534	A1	Krieg et al.	05-06-2004
	A97	2004-0087538	A1	Krieg et al.	05-06-2004
	A98	2004-0092472	A1	Krieg	05-13-2004
	A99	2004-0106568	A1	Krieg et al.	06-03-2004
	A100	2004-0131628	A1	Bratzler et al.	07-08-2004
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	A102	2004-0142469	A1	Krieg et al.	07-22-2004
	A103	2004-0143112	A1	Krieg et al.	07-22-2004
	A104	2004-0147468	A1	Krieg et al.	07-29-2004
	A105	2004-0152656	A1	Krieg et al.	08-05-2004
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	A110	2004-0171150	A1	Krieg et al.	09-02-2004
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	A114	2004-0234512	A1	Wagner et al.	11-25-2004
	A115	2004-0235770	A1	Davis et al.	11-25-2004
	A116	2004-0235774	A1	Bratzler et al.	11-25-2004
	A117	2004-0235777	A1	Wagner et al.	11-25-2004
	A118	2004-0235778	A1	Wagner et al.	11-25-2004
	A119	2004-0247662	A1	Dow et al.	12-09-2004
	A120	2004-0266719	A1	McCluskie et al.	12-30-2004
	A121	2005-0004061	A1	Krieg et al.	01-06-2005
	A122	2005-0004062	A1	Krieg et al.	01-06-2005
	A123	2005-0004144	A1	Carson et al.	01-06-2005
	A124	2005-0009774	A1	Krieg et al.	01-13-2005
	A125	2005-0013812	A1	Dow et al.	01-20-2005
	A126	2005-0031638	A1	Dalemans et al.	02-10-2005
	A127	2005-0032734	A1	Davis et al.	02-10-2005
	A128	2005-0032736	A1	Krieg et al.	02-10-2005

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	A129	2005-0037403	A1	Krieg et al.	02-17-2005
	A130	2005-0037985	A1	Krieg et al.	02-17-2005
	A131	2005-0043529	A1	Davis et al.	02-24-2005
	A132	2005-0049215	A1	Krieg et al.	03-03-2005
	A133	2005-0049216	A1	Krieg et al.	03-03-2005
	A134	2005-0054601	A1	Wagner et al.	03-10-2005
	A135	2005-0054602	A1	Krieg et al.	03-10-2005
	A136	2005-0059625	A1	Krieg et al.	03-17-2005
	A137	2005-0064401	A1	Olek et al.	03-24-2005
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	A139	2005-0075302	A1	Hutcherson et al.	04-07-2005
	A140	2005-0100983	A1	Bauer et al.	05-12-2005
	A141	2005-0101554	A1	Krieg et al.	05-12-2005
	A142	2005-0101557	A1	Krieg et al.	05-12-2005
	A143	2005-0119273	A1	Lipford et al.	06-02-2005
	A144	2005-0123523	A1	Krieg et al.	06-09-2005
	A145	2005-0130911	A1	Uhlmann et al.	06-16-2005
	A146	2005-0148537	A1	Krieg et al.	07-07-2005
	A147	2005-0169888	A1	Hartman et al.	08-04-2005
	A148	2005-0171047	A1	Krieg et al.	08-04-2005
	A149	2005-0181422	A1	Bauer et al.	08-18-2005
	A150	2005-0182017	A1	Krieg	08-18-2005
	A151	2005-0197314	A1	Krieg et al.	09-08-2005
	A152	2005-0215500	A1	Krieg et al.	09-29-2005
	A153	2005-0215501	A1	Lipford et al.	09-29-2005
	A154	2005-0233995	A1	Krieg et al.	10-20-2005
	A155	2005-0233999	A1	Krieg et al.	10-20-2005
	A156	2005-0239732	A1	Krieg et al.	10-27-2005
	A157	2005-0239733	A1	Jurk et al.	10-27-2005
	A158	2005-0239736	A1	Krieg et al.	10-27-2005
	A159	2005-0245477	A1	Krieg et al.	11-03-2005
	A160	2005-0244379	A1	Krieg et al.	11-03-2005
	A161	2005-0244380	A1	Krieg et al.	11-03-2005
	A162	2005-0250726	A1	Krieg et al.	11-10-2005
	A163	2005-0256073	A1	Lipford et al.	11-17-2005
	A164	2005-0267057	A1	Krieg	12-01-2005

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	A165	2005-0267064	A1	Krieg et al.	12-01-2005
	A166	2005-0277604	A1	Krieg et al.	12-15-2005
	A167	2005-0277609	A1	Krieg et al.	12-15-2005
	A168	2006-0003955	A1	Krieg et al.	01-05-2006
	A169	2006-0003962	A1	Ahluwalia et al.	01-05-2006
	A170	2006-0019916	A1	Krieg et al.	01-26-2006
	A171	2006-0019923	A1	Davis et al.	01-26-2006
	A172	2006-0058251	A1	Krieg et al.	03-16-2006
	A173	2006-0089326	A1	Krieg et al.	04-27-2006
	A174	2006-0094683	A1	Krieg et al.	05-04-2006
	A175	2006-0140875	A1	Krieg et al.	06-29-2006
	A176	2006-0154890	A1	Bratzler et al.	07-13-2006
	A177	2006-0172966	A1	Lipford et al.	08-03-2006
	A178	2006-0188913	A1	Krieg et al.	08-24-2006
	A179	2006-0211639	A1	Bratzler et al.	09-21-2006
	A180	2006-0211644	A1	Krieg et al.	09-21-2006
	A181	2006-0229271	A1	Krieg et al.	10-12-2006
	A182	2006-0241076	A1	Uhlmann et al.	10-26-2006
	A183	2006-0246035	A1	Ahluwalia et al.	11-02-2006

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B6	EP	0 302 758	A1	New England Medical Center Hospitals, Inc.	02-08-1989	
	B7	EP	0 468 520	A2	Mitsui Toatsu Chemicals, Inc.	01-29-1992	
	B8	WO	96/02555	A1	University of Iowa Research Foundation	02-01-1996	
	B9	WO	99/56755	A1	University of Iowa Research Foundation	11-11-1999	
	B10	WO	00/06588	A1	University of Iowa Research Foundation	02-10-2000	
	B11	WO	00/15256	A2	Pasteur Merieux Serums Et Vaccins [FR]	03-23-2000	Abstract
	B12	WO	00/54803	A2	Panacea Pharmaceuticals, LLC.	09-21-2000	
	B13	WO	00/61151	A2	The Government of the United States of America	10-19-2000	
	B14	WO	01/22972	A2	Coley Pharmaceuticals, GmbH	04-05-2001	
	B15	WO	01/35991	A2	Dynavax Technologies Corporation	05-25-2001	
	B16	WO	01/45750	A1	Regents of the University of California	06-28-2001	

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Sheet	5	of	8				

	B17	WO	02/28428	A2	Aventis Pasteur [FR]	04-11-2002	Abstract
	B18	WO	2004/007743	A2	Coley Pharmaceutical GmbH	01-22-2004	
	B19	WO	2004/026888	A2	Coley Pharmaceutical GmbH	04-01-2004	
	B20	WO	2004/094671	A2	Coley Pharmaceutical GmbH	11-04-2004	
	B21	WO	2005/004910	A2	Intercell Ag	01-20-2005	
	B22	WO	2005/023289	A1	Intellectual Property Consulting Incorporated	03-17-2005	Abstract

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C1	ASKEW et al., CpG DNA induces maturation of dendritic cells with distinct effects on nascent and recycling MHC-II antigen-processing mechanisms. J Immunol. 2000 Dec 15;165(12):6889-95.	
	C2	BARAL et al., Immunostimulatory CpG oligonucleotides enhance the immune response of anti-idiotypic vaccine that mimics carcinoembryonic antigen. Cancer Immunol Immunother. 2003 May;52(5):317-27.	
	C3	BROIDE et al., DNA-Based immunization for asthma. Int Arch Allergy Immunol. 1999 Feb-Apr;118(2-4):453-6.	
	C4	CHATTERJEE et al., Idiotypic antibody immunotherapy of cancer. Cancer Immunol Immunother. 1994 Feb;38(2):75-82.	
	C5	CHOI et al., The level of protection against rotavirus shedding in mice following immunization with a chimeric VP6 protein is dependent on the route and the coadministered adjuvant. Vaccine. 2002 Mar 15;20(13-14):1733-40.	
	C6	CHU et al., CpG oligodeoxynucleotides act as adjuvants that switch on T helper 1 (Th1) immunity. J Exp Med. 1997 Nov 17;186(10):1623-31.	
	C7	COOPER et al., Safety and immunogenicity of CPG 7909 injection as an adjuvant to Fluorix influenza vaccine. Vaccine. 2004 Aug 13;22(23-24):3136-43.	
	C8	DAFTARIAN et al., Two distinct pathways of immuno-modulation improve potency of p53 immunization in rejecting established tumors. Cancer Res. 2004 Aug 1;64(15):5407-14.	
	C9	DAVILA et al., Generation of antitumor immunity by cytotoxic T lymphocyte epitope peptide vaccination, CpG-oligodeoxynucleotide adjuvant, and CTLA-4 blockade. Cancer Res. 2003 Jun 15;63(12):3281-8.	
	C10	DAVIS et al., CpG ODN is safe and highly effective in humans as adjuvant to HBV vaccine: Preliminary results of Phase I trial with CpG ODN 7909. Third Annual Conference on Vaccine Res. 2000. Abstract s25, number 47.	
	C11	EZZELL et al., Cancer "Vaccines": An idea whose time has come? J NIH Research. 1995;7:46-9.	
	C12	FILION et al., Development of immunomodulatory six base-length non-CpG motif oligonucleotides for cancer vaccination. Vaccine. 2004 Jun 23;22(19):2480-8.	

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				GROUP ART UNIT: 1645		EXAMINER: Nita M. Minnifield	
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				FILING DATE: July 3, 2003		CONFIRMATION NO.: 6452		
				APPLICANT: Krieg et al.				
				GROUP ART UNIT: 1645		EXAMINER: Nita M. Minnifield		
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